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DIGEST OF OTHER RECENT VIRGINIA DECISIONS.**Supreme Court of Appeals.**

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

ADAMS et al. v. TIDEWATER RY. CO.

Jan. 30, 1908.

[60 S. E. 129.]

1. Railroads—Private Crossings—Proceeding to Compel Construction.—Under the express terms of Code 1904, § 1294b2, where owners of farm land through which a railroad was constructed requested the company, in writing, to construct specified wagon ways across the right of way for the convenient use of the land, and, the request being ignored, after 10 days they gave formal notice of an application for the appointment of a commission to determine whether the roadways should be constructed, they were entitled to such appointment, though the request upon the company called for eight roadways and the notice designated only two.

2. Same—Scope of Statute.—Code 1904, § 1294b2, requiring railroad companies to construct wagon ways across their roads, where they pass through one's land, applies alike to completed railroads and those in process of construction.

WEBB'S TRUSTEE v. LYNCHBURG SHOE CO.

Jan. 30, 1908.

[60 S. E. 130.]

1. Bankruptcy—Statutory Provisions—Purpose of Bankruptcy Act.—The purpose of the bankrupt act (Act July 1, 1898, c. 541, 30 Stat. 546 [U. S. Comp. St. 1901, p. 3422]) is the relief of the bankrupt from his debts and an equal distribution of his assets among his creditors and to provide a remedy against every act by which a failing debtor seeks an unequal distribution.

2. Same—Preferences—Transfers with Intent to Defraud Creditors—Fraudulent Intent.—Bankr. Act July 1, 1898, c. 541, § 67e, 30 Stat. 564 [U. S. Comp. St. 1901, p. 3449], provides that all conveyances or transfers of his property, made by a person adjudged a bankrupt under the provisions of the act, within four months prior to the filing of the petition, with the intent to hinder or delay his creditors, shall be null and void as against the creditors. Held, that the debtor's intent to hinder or delay his creditors of itself renders his transfer void, regardless of whether his transferee had knowledge of his intent.

3. Same—Fraudulent Intent—Question for Jury.—The intent and

purpose of the bankrupt in transferring his property is a question of fact for the jury.

4. Same.—A conveyance to one creditor of what would otherwise under the act go to all hindes and delays the other creditors and is in fraud of the act, whether or not the transfer is fraudulent at common law, under the statute of fraudulent conveyances, or otherwise.

FRENCH *v.* LOGAN'S ADM'R et al.

March 1, 1908.

[60 S. E. 622.]

1. Wills—Construction—Vested Estates.—The law favors the vesting of estates, and where a bequest or devise is made, and the property is not to be enjoyed in possession until some future period or event, it will, in the absence of some special intent to the contrary, be construed to be vested in interest immediately on the death of the testator, rather than contingent on the state of things which may exist when the legatees or devisees are entitled to the possession.

[Ed. Note.—For cases in point, see Cent. Dig., vol. 49, Wills, §§ 1461, 1462.]

2. Same.—Testator provided that all property and money given to a beneficiary should vest in a third person in trust for her benefit, free from the debts or control of her husband for her life, and at her death divided among her "issue according to the statute of descents and distribution." In the same clause he directed that the remainder of his estate should be divided into two equal parts, of which one should be divided among "the heirs and distributees" of a deceased brother according to the statute of descents and distributions, and the other half among the heirs and distributees of another deceased brother "according to the same statute." Held, that the remainder on the death of the beneficiary vested at the death of the testator, subject to the life estate of the beneficiary.

SOUTHERN RY. CO. *v.* NEWTON'S ADM'R.

March 12, 1908

[60 S. E. 625.]

1. Master and Servant—Injuries to Servant—Condition of Railroad Tracks.—Where a brakeman was killed while in the performance of his duties in endeavoring to uncouple a car from a freight train, and the accident resulted from his stepping into a trench or excavation which had been dug along the track for the purpose of putting in target signals, the railway company was negligent, although it may